

GARY M. RESTAINO  
United States Attorney  
District of Arizona  
JOSEPH F. BOZDECH  
Assistant United States Attorney  
California State Bar No. 303453  
Assistant United States Attorney  
Two Renaissance Square  
40 North Central Avenue, Suite 1800  
Phoenix, Arizona 85004-4408  
Telephone: (602) 514-7500  
[Joseph.Bozdech@usdoj.gov](mailto:Joseph.Bozdech@usdoj.gov)  
Attorneys for the United States

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff,  
  
v.  
  
Alfredo Macias,  
  
Defendant.

**CR-24-00258-001-PHX-SMB**  
**MOTION FOR ORDER**  
**OF FORFEITURE**

Plaintiff United States of America moves for a preliminary order of forfeiture. A proposed order is submitted with this motion.

On July 2, 2024 defendant Alfredo Macias entered a plea of guilty to Count 2 of the Indictment, Possession or Transfer of a Machinegun in violation of in violation of 18 U.S.C. §§ 922(o) and 924(a)(2), a Class C felony offense. The following property is subject to forfeiture because it is property, real or personal, involved in the offense, or property traceable to such property involved in the offense:

F.N. (FN Herstal) .57 caliber Pistol, SN:386414288, (the "Subject Property").

Based upon the evidence set forth in the plea agreement, the United States has established the requisite nexus between the Subject Property and the offense for which the defendant has pled guilty. Accordingly, that property is subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 924(d), 981 and 982, 21 U.S.C. § 853, and 28 U.S.C. § 2461(c).

Rule 32.2(b) of the Federal Rules of Criminal Procedure provides that:

1 (1)(A) As soon as practicable after a verdict or finding of guilty, or after a  
2 plea of guilty or *nolo contendere* is accepted, on any count in an indictment  
3 or information regarding which criminal forfeiture is sought, the court must  
4 determine what property is subject to forfeiture under the applicable statute.  
5 If the government seeks forfeiture of specific property, the court must  
6 determine whether the government has established the requisite nexus  
7 between the property and the offense. If the government seeks a personal  
8 money judgment, the court must determine the amount of money that the  
9 defendant will be ordered to pay. The court's determination may be based  
10 on evidence already in the record, including any written plea agreement or,  
11 if the forfeiture is contested, on evidence or information presented by the  
12 parties at a hearing after the verdict or finding of guilt.

13 (2)(A) If the court finds that property is subject to forfeiture, it must  
14 promptly enter a preliminary order of forfeiture setting forth the amount of  
15 any money judgment or directing the forfeiture of specific property without  
16 regard to any third party's interest in all or part of it. Determining whether a  
17 third party has such an interest must be deferred until any third party files a  
18 claim in an ancillary proceeding under Rule 32.2(c).

19 (3) The entry of a preliminary order of forfeiture authorizes the Attorney  
20 General (or a designee) to seize the specific property subject to forfeiture;  
21 to conduct any discovery the court considers proper in identifying, locating,  
22 or disposing of the property; and to commence proceedings that comply  
23 with any statutes governing third-party rights. At sentencing - or at any  
24 time before sentencing if the defendant consents - the order of forfeiture  
25 becomes final as to the defendant and must be made part of the sentence  
26 and be included in the judgment. The court may include in the order of  
27 forfeiture conditions reasonably necessary to preserve the property's value  
28 pending any appeal.

Upon the issuance of a preliminary order of forfeiture, the United States will  
publish notice regarding the Subject Property on the government's official internet  
website [www.forfeiture.gov](http://www.forfeiture.gov), and will send direct notice to any person, other than the  
defendant(s), having or claiming a legal interest in the property, advising such person of  
his or her right to file a petition contesting the forfeiture in accordance with 21 U.S.C. §  
853(n) and Rule 32.2(c). This notice will state that the petition shall be for a hearing to  
adjudicate the validity of the petitioner's alleged interest in the property, shall be signed  
by the petitioner under penalty of perjury and shall set forth the nature and extent of the

1 petitioner's right, title or interest in the forfeited property and any additional facts  
2 supporting the petitioner's claim and the relief sought, and the petitioner shall serve a  
3 copy upon **Joseph F. Bozdech**, Assistant United States Attorney. The United States may  
4 also, to the extent practicable, provide direct written notice to any persons known to have  
5 alleged an interest in the Subject Property.

6 In accordance with 28 U.S.C. § 2461 and Fed. R. Crim. P. 32.2(b)(3), the United  
7 States requests that it be permitted to undertake whatever discovery is necessary to  
8 identify, locate or dispose of property subject to forfeiture, or substitute assets for such  
9 property.

10 WHEREFORE, the United States respectfully requests that this Court enter a  
11 preliminary order of forfeiture forfeiting to the United States the Subject Property.

12 DATED this 26<sup>th</sup> day of July 2024.

13 GARY M. RESTAINO  
14 United States Attorney  
15 District of Arizona

16 S/Joseph F. Bozdech  
17 JOSEPH F. BOZDECH  
18 Assistant United States Attorney  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATION**

I certify that on July 26, 2024, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant: counsel of record Jeffrey Allen Williams.

By: S/Victoria Tiffany  
U.S. Attorney's Office